



APPG Cycling and Walking Justice inquiry

Key data gaps

May 2023

Key points

- There is a lack of transparency with how the justice system protects walkers and cyclists, including with which offences are detected and where, and the outcomes of investigations.
- Good practice can be found in some areas, but it is not widespread.
- Transparency and Accountability, a key theme of our 2021 PCC manifesto and AVZ's Roads Policing campaign, is needed to hold police to account, appreciate where progress being made and where more is needed.

Collision investigation and reporting

Investigation outcomes. There is no data linkage between collision investigation reports and court records. It is not possible to know which collisions resulted in a criminal prosecution. This makes it difficult to identify patterns in NFA decisions.

Contributory factors. These are collected at the time the collision is reported and before any real investigation has occurred. They systematically underestimate criminal behaviour, including speeding, as seen from the research in London and Manchester which found speeding involved in many more crashes.

Missing vehicle data. Whilst vehicle registration number is reported, no analysis is conducted on the length, width or weight of motor vehicles, despite these increasing and posing greater risk to VRUs.

Criminal prosecution

Charging decision. Who decides not to prosecute? This is the most important charging decision and there is no monitoring of who makes it. It can be the police who decide there is not enough evidence to give the file to the CPS. AVZ assumes the police make the most of the NFA charging decisions.

Downgrading. It is unknown how often a charge is downgraded, or when this happens (most is believed to occur before court).

Hit and run outcomes. How often a driver is prosecuted or even identified for leaving the scene of a fatal or serious injury collision is not monitored. This data is not reported at the national level and AVZ has yet to find any police service which collects it. This is a problem for active travel as walkers are the most likely killed whilst cyclists are the most likely ones seriously injured in hit and runs.

Exceptional hardship. The MoJ publishes very little data on exceptional hardship ban exemptions. It is not possible to know where (which area) is giving these or the reason. More information is provided on bans given at court, including by magistrate area, offence and duration.

Victim treatment

Road crime victims. The number of people killed and injured by law breaking drivers/riders is not collated at the national level. Nor is any police service known to report this.

Level of satisfaction (LOS). The LOS victims have with investigations or their treatment is unknown. LOS surveys of crash victims should be conducted, as they already are with other types of crime victims. This should cover quality of collision investigation, charging decision and criminal prosecution, and civil compensation.

Victim surcharge. The amount collected in Victim surcharge from motoring offences and how much is invested in crash victim support is unreported. Motoring offences dominate court convictions—more so than any other offence—and thus contribute more in the Victim Surcharge than any other crime. Yet road crash victims receive minimal support.

Prevention

Motoring offences. Data published by the Home Office on offences sanctioned out of court are published 10-22 months late (in October for the previous year). There are also major gaps with several police services reported not to be providing complete data, or reporting jointly so it is not possible to know how much enforcement is occurring where (e.g. Norfolk and Suffolk). London and Northamptonshire demonstrate good practice with publishing data on recent enforcement activity.

Online reporting. Data published by police on the number of online reports of traffic offences is inconsistent but often minimal or non-existent. Northamptonshire demonstrates good practice by publishing data on online submissions, including which road user mode submitted, which offence involved, outcome, reason for NFA. West Yorkshire publishes data on a quarterly basis whilst others, including Avon and Somerset and Essex Police share data with local campaigners and post online.

Speed enforcement by speed limit. The Home Office publishes speed enforcement data by camera or manual detection, outcome, date, but not by speed limit. So it is not possible to know how many speeding offences are given on 20mph roads. This data is published for London but most police services do not provide this data, except in FOI responses.

Roads policing strategies and KPIs. Very few police services have roads policing strategies or KPIs clearly defined. It is not easy to know what the police are trying to do or how they are evaluating their efforts, apart from the short term NPCC campaigns whose impact is unknown but unlikely to be much.

Feel safe perception. Despite being a key indicator for the Healthy Streets approach, the perception of safety is not regularly monitored with authorities relying on casualty stats which can be misleading. Action Vision Zero calls

Collision investigation and reporting

1. **Data linkage.** Police collision and crime information management systems should link collisions to investigation outcomes, including reasons for No Further Action.
2. **Stats 19.** Contributory factors should be updated at the end of the investigation and include data on size and weight of vehicle.

Criminal prosecution

3. **Charging decision.** Police should report how often they make the decision No Further Action in fatal and serious injury collisions, and how often it is the CPS who decides this.
4. **Hit and run.** Police should be able to report how often absconding drivers are caught, inc. in time to be tested for drink driving, and if they are also prosecuted for causing the crash.
5. **Exceptional hardships.** The MoJ should publish more data on ban exemptions. This would help see if the recent changes by the Sentencing Council have had any effect in reducing their use.

Victim treatment

6. **Count.** PCCs should show road crime victims count by counting them. This should include those killed and injured by law breaking drivers who died or fled the crash.
7. **Victim surcharge.** The funding raised by victim surcharge on motoring offences should be reported along with that invested in support services for victims of motoring offenders.

Prevention

8. **Enforcement stats.** Police services should report how many reports, how successful and which offences are submitted online and by which road user type. Likewise, the reasons for no Further Action should be published.
9. **KPI.** PCCs should share the KPIs for their roads policing officers.
10. **Perception of safety.** Local authorities should collect this key Healthy Streets indicator.

Note: This briefing was written by Amy Aeron-Thomas, AVZ Traffic Justice Coordinator. It highlights the concerns and calls in our Roads Policing campaign.